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MINISTRY OF LAW

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THE ANDAMAN AND NICOBAR ISLANDS PUBLIC GAMBLING REGULATION, 1951

No. II of 1951

A Regulation to provide for the punishment of public gambling and the keeping of common gaming-houses in the Andaman and Nicobar Islands, and for matters connected therewith.

In exercise of the powers conferred by clause (2) of article 248 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. Short title, extent and commencement.—(1) This Regulation may be called the Andaman and Nicobar Islands Public Gambling Regulation, 1951.

(2) It extends to the whole of the Andaman and Nicobar Islands.

(3) It shall come into force at once.

2. Definitions.—In this Regulation, unless the context otherwise requires,—

(1) “betting office” means any place, whether public or private, which is used for wagering or betting upon, or for receiving moneys as an agency for wagering or betting upon, any fight, game, sport or exercise or for the settlement of such wagers or bets or for the settlement by the agent with his principals on the result of such wagers or bets;

(2) "the Code" means the Code of Criminal Procedure, 1898 (Act V of 1898);

(3) "common gaming-house" means any place, whether public or private, in which—

(a) any instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such place, whether by way of charge for the use of the instruments of gaming as such, or of the place or otherwise howsoever for gaming purposes, or

(b) the game of *ti* well-known in Burma or China, or any other game or pretended game of a like nature, is carried on;

(4) "district superintendent of police" includes an assistant superintendent of police or other person appointed by general or special order of the Chief Commissioner to exercise the powers and to perform the duties of a district superintendent of police under this Regulation in any area;

(5) the words "gaming" and "playing", with their grammatical variations and cognate expressions include taking part in the game of *ti* or in any other game or pretended game of a like nature, but do not include the promoting of, or the taking part in, any game of mere human skill, wherever played;

(6) the expression "instruments of gaming" means—

(a) any cards, dice, counters, coins, gaming tables, gaming cloth, gaming boards or other articles devised or actually used for the purpose of gaming;

(b) any boxes, receptacles, lists, papers, tickets or forms used for the purpose of the game of *ti* or any other game or pretended game of a like nature;

(7) "place" includes a house, tent, enclosure, room, space, vessel or vehicle.

3. Penalty for owning or keeping or having charge of a gaming-house.— Whoever—

(a) being the owner or occupier or having the use of any place, opens, keeps or uses the same as a common gaming-house; or

(b) being the owner or occupier of any place knowingly permits the same to be opened, used or kept as a common gaming-house; or

(c) has the care or management of, or in any manner assists in conducting, the business of any common gaming-house; or

(d) advances or furnishes money for the purpose of gaming with persons frequenting any common gaming-house;

shall be liable for a first offence to a fine not exceeding five hundred rupees, or to imprisonment for a term not exceeding three months, and for a subsequent offence to a fine not exceeding one thousand rupees, or to imprisonment for a term not exceeding six months.

4. Penalty for playing or being in a gaming-house.—Whoever plays in any common gaming-house or is there present for the purpose of gaming, whether or not actually playing, shall be liable for a first offence to a fine not exceeding one hundred rupees, or to imprisonment for a term not exceeding one month, and for a subsequent offence to a fine not exceeding two hundred rupees, or to imprisonment for a term not exceeding two months.

5. Penalty for gaming or setting birds or animals to fight in public places.—Whoever in any street or thoroughfare or place to which the public have access—

(a) plays for money or other valuable thing with any instrument of gaming; or

(b) sets any birds or animals to fight; or

(c) being there present, aids and abets such public fighting of birds or animals; or

(d) in any local area to which the Chief Commissioner may, by notification in the Official Gazette, apply this clause, in any manner invites or encourages any person to wager or bet on any fight, game, or exercise;

shall be liable to a fine not exceeding fifty rupees, or to imprisonment for a term not exceeding one month.

6. Penalty for conducting game of *ti* or other like game.—Whoever—

(a) conducts or assists in conducting the game of *ti* or any other game or pretended game of a like nature as manager or stake holder; or

(b) is, according to the rules of the game or pretended game, entitled to receive the surplus proceeds, or any part of the surplus proceeds, or the stake after deducting the amount payable to the successful player or players; or

(c) promotes the game or pretended game by soliciting or collecting stakes or otherwise;

shall be liable to imprisonment for a term which may extend to six months, or with fine, or with both.

7. Power to arrest without warrant and to seize instruments of gaming.—(1) Any police officer may arrest without warrant any person who in any street or thoroughfare or place to which the public have access and within the view of such police officer—

(a) solicits or collects stakes for the game of *ti* or any other game or pretended game of a like nature; or

(b) plays for money or other valuable thing with any instrument of gaming; or

(c) sets birds or animals to fight; or

(d) being there present, aids and abets such public fighting of birds or animals; or

(e) commits an offence punishable under clause (d) of section 5.

(2) Any instruments of gaming or any other thing, which under the provisions of section 8 may be seized in a betting office, may be seized if found in such street, thoroughfare or place or on the persons of those who are arrested under sub-section (1).

8. Power to enter and authorize police officer to enter and search any suspected house, etc.—(1) If the district magistrate, or any magistrate of the first class or any other magistrate specially empowered by the Chief Commissioner in this behalf, or the district superintendent of police, on credible information or on any other sufficient grounds, and after such inquiry as he may think necessary, has reason to believe that any place is used as a common gaming-house, he may either himself do any of the following acts or, by warrant, authorise any police officer not below the rank of assistant sub-inspector of police to—

(a) enter, within seven days from the date thereof, with such assistance as may be found necessary, by night or by day and by force if necessary, any such place;

(b) take into custody all persons whom he finds therein whether they are then actually gaming or not;

(c) seize all instruments of gaming, all moneys and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein; and

(d) search all parts of the place, which he shall have so entered, when he has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he has taken into custody; and seize and take possession of all instruments of gaming found upon such search.

(2) All searches under sub-section (1) shall be made in accordance with the provisions of sub-section (3) of section 102 and of section 108 of the Code.

(3) When any place is entered under sub-section (1) by a police officer, he shall, without undue delay after the completion of the proceeding under that sub-section, submit a report of such proceedings together with the warrant, if any, to a magistrate who has jurisdiction to take cognizance of any offence which appears to have been committed and take or send to such magistrate the persons arrested and the articles seized:

Provided that the police officer may release the persons so arrested on bail or on their own recognizances conditioned to appear before such magistrate: and

Provided further that if no person is arrested, the police officer shall submit a report of his proceedings to a magistrate who issued the warrant, if any.

9. Power to enter and search betting offices.—(1) The district magistrate or the district superintendent of police, or any police officer not below the rank of officer in charge of a police station upon being duly empowered by a warrant issued by either of such officers may, by day or night, enter

and search with such assistance as may be necessary, any place which is reasonably believed to be used as a betting office and seize any tickets, coupons, registers, books or other documents found therein and used, or intended to be used or reasonably suspected to be used, as a record or evidence of any wager or bet upon any fight, game or exercise.

(2) All searches under sub-section (1) shall be made in accordance with the provisions of sub-section (3) of section 102 and of section 103 of the Code.

(3) No warrant issued under sub-section (1) shall be executed after the expiry of seven days from the date thereof.

(4) When any place is entered under sub-section (1) by a police officer other than the district superintendent of police, he shall immediately after the completion of the proceedings, submit a report thereof to the district magistrate or if the warrant was issued by the district superintendent of police, to that officer.

10. Presumption respecting instruments of gaming found in places entered.—When any instrument of gaming is found in any place entered under the provisions of this Regulation or about the persons of any of those who are found therein, it shall be presumed until the contrary is proved, that such place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the magistrate or police officer, or by any one aiding in the entry.

11. Tender of pardon to accomplice.—(1) It shall be lawful for the magistrate, before whom any person is accused of an offence under section 3 or section 4 or section 5 or section 6, with a view to obtaining on the trial the evidence of the person touching any unlawful gaming or touching anything done with reference to, or in furtherance of, any unlawful gaming, or touching any act done for the purpose of preventing, obstructing or delaying the entry into any place of any magistrate or police officer authorised to make such entry, to tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to the offence and to every other person concerned, whether as principal or abettor in the commission thereof.

(2) The provisions of sections 397, 399 and 399A of the Code shall apply to any person to whom a pardon has been tendered under sub-section (1) as they apply to any person to whom a pardon has been tendered under those provisions.

12. Magistrate may order destruction of cards, etc., and forfeiture of articles seized.—On the conviction of any person for an offence committed under this Regulation, the convicting magistrate may order any instruments of gaming seized to be destroyed and may also order any other article seized to be sold and converted into money, and the proceeds thereof with all moneys seized therein to be forfeited to the Government; or in his discretion may order any of such articles and the whole or any part of such moneys to be returned to the person appearing to have been severally thereunto entitled.

13. Recovery of fines.—All fines imposed under this Regulation may be recovered in the manner provided in the Code.

14. Portion of fine may be paid as reward.—The magistrate trying any case under this Regulation may direct any portion of any fine levied under this Regulation to be paid to any person who has contributed in any way to the conviction.

15. Power to demand security for good behaviour.—Whenever a district magistrate or any magistrate of the first class specially empowered in this behalf by the Chief Commissioner, receives information that any person within the local limits of his jurisdiction earns his livelihood, wholly or in part, by unlawful gaming or by promoting or assisting in the promotion of unlawful gaming, he may deal with such person as nearly as may be as if the information received about him were of the description mentioned in section 110 of the Code and for the purpose of any proceeding under that section the fact that a person earns his livelihood as aforesaid may be proved by evidence of general repute or otherwise.

RAJENDRA PRASAD,
President.

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K. V. K. SUNDARAM,
Secy. to the Govt. of India.